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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,029	04/10/2001	Manfred Schaefer	1454.1048/RA	1983

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 09/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/763,029

Applicant(s)

SCHAEFER, MANFRED

Examiner

Arezoo Sherkat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7-8, 15-17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Atkinson et al., (U.S. Patent No. 6,367,012 and Atkinson hereinafter).

Regarding claims 1-2, 7-8, 15-17 and 20, Atkinson discloses a method for protecting several programs and/or several files from unauthorized access by a process, in which each program and/or each file to be protected is assigned an address space, in which each program and/or each file to be protected is also assigned a process file, in which the process or processes that may run in the address space in question is or are stored in a process file, in which for at least a part of the processes included in a process file, a cryptographic value that uniquely identifies the process is formed, in which the cryptographic value of one process is contained in the process file, in which, during the running of a program and/or a processing of a file to be protected,

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for a process that attempts to access the address space of the program and/or the file to be protected, a check is made to confirm whether the accessing process is included in the corresponding process file, in which the accessing process's cryptographic value is formed, and in which the cryptographic values of the processes are compared with each other during the check, in which, if the accessing process is included in the process file, the accessing process is started, and otherwise, the accessing process is not started (Col. 6, lines 20-67 and Col. 7-12, lines 1-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson et al., (U.S. Patent No. 6,367,012 and Atkinson hereinafter), in view of Aucsmith et al., (U.S. Patent No. 5,940,513 and Aucsmith hereinafter).

Regarding claims 9 and 10, Atkinson does not expressly disclose in which a protection program for protecting the method according to one of the preceding Claims can be executed is stored encoded and is decoded at the start of the method.

However, Aucsmith discloses in which a protection program for protecting the method according to one of the preceding claims can be executed is stored encoded and is decoded at the start of the method (Col. 8, lines 43-67 and Col. 9, lines 1-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Atkinson with the teachings of Aucsmith because it would allow to include in which a protection program for protecting the method according to one of the preceding Claims can be executed is stored encoded and is decoded at the start of the method with the motivation to decrypt the encrypted image and to identify a key designated to an identification mark in the executable program for computing a cryptographic keyed hash value of the executable program (Aucsmith, Col. 2, lines 10-20).

Regarding claims 11-14, Atkinson does not expressly disclose in which after the decoding of the protection program, its integrity is checked and the method according to one of the preceding Claims is executed only if the integrity of the protection program is assured.

However, Aucsmith discloses in which after the decoding of the protection program, its integrity is checked and the method according to one of the preceding Claims is executed only if the integrity of the protection program is assured (Col. 8, lines 60-67 and Col. 9, lines 1-37).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Atkinson with the teachings of Aucsmith because it would allow to include in which after the decoding of the protection program, its integrity is checked and the method according to one of the preceding Claims is executed only if the integrity of the protection program is assured with the motivation to prevent mischievous, intentional violation of an access restriction (Aucsmith, Col. 1, lines 30-45).

Claims 3-²⁴~~6~~ and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson et al., (U.S. Patent No. 6,367,012 and Atkinson hereinafter), in view of Gupta et al., (U.S. Patent No. 5,485,409 and Gupta hereinafter).

Regarding claims 3-6 and 18-19, Atkinson does not expressly disclose in which in a call mechanism for a function of an operating system core with which the programs are executed, a call of the accessing process is forwarded to a checking function in which the check is carried out.

However, Gupta discloses in which in a call mechanism for a function of an operating system core with which the programs are executed, a call of the accessing process is forwarded to a checking function in which the check is carried out (Col. 7, lines 34-67 and Col. 8, lines 1-50 and Col. 19, lines 20-67 and Col. 20, lines 1-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Atkinson with the teachings

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of Gupta because it would allow to include in which after the decoding of the protection program, its integrity is checked and the method according to one of the preceding Claims is executed only if the integrity of the protection program is assured with the motivation to allow a greater assurance of the penetration resistance of the target operating system (Gupta, Col. 3, lines 10-30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moore, (U.S. Patent No. 5,343,527),

Thomlinson et al., (U.S. Patent No. 6,272,631),

Rubin, (U.S. Patent No. 5,638,446),

Collins et al., (U.S. Publication No. 2002/0073316),

Linehan et al., (U.S. Patent No. 5,495,533),

Ziese, (U.S. Patent No. 6,567,917).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (703) 305-8749. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Sherkat

Arezoo Sherkat
Patent Examiner
Group 2131
August 4, 2004

E. L. Moise
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PRIMARY EXAMINER
10/11/2136